

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LEE MOORE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:09-cv-772-AGF
	)	
BEAUVAIS MANOR ON THE PARK,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before this Court<sup>1</sup> on Defendant Beauvais Manor On The Park's Motion to Compel Plaintiff Lee Moore's Response to Defendant's First Discovery Requests. Defendant moves this Court pursuant to Federal Rule of Civil Procedure 37(a)(3)(B)(iii) and (iv) to order Plaintiff to provide answers and responses to Defendant's first set of interrogatories and first request for production of documents. For the reasons set forth below, Defendant's motion shall be granted.

In support of its motion, Defendant states that on October 12, 2009, Defendant served its first set of interrogatories and first request for production of documents on Plaintiff. Pursuant to Federal Rules of Civil Procedure 33 and 34, Plaintiff's responses to Defendant's discovery requests were due on or about November 11, 2009. In support of its motion, Defendant has listed the attempts made to obtain Plaintiff's discovery responses, and asserts that as of the date of the filing of the Motion to Compel, Plaintiff

---

<sup>1</sup> The parties have consented to the exercise of authority by the undersigned United States Magistrate Judge under 28 U.S.C. § 636(c).

has not responded to these contacts. Defendant also has not received Plaintiff's answers and responses to Defendant's discovery requests. Plaintiff also failed to respond to the Motion to Compel in the time allowed to do so.

A Plaintiff's pro se status does not excuse him from complying with the Federal Rules of Civil Procedure, including discovery requests. Lindstedt v. City of Granby, 238 F.3d 933, 937 (8th Cir. 2000) (per curiam). Federal Rule of Civil Procedure 37(d) provides that the court may order sanctions if a party fails to respond to discovery requests. Sanctions include striking pleadings in whole or in part. Fed. R. Civ. P. 37(d)(3).

Here, although Plaintiff is proceeding pro se, his unexplained failure to timely respond to Defendant's discovery requests, as well as Defendant's repeated correspondence and voice mails, warrants granting Defendant's Motion to Compel.

### **CONCLUSION**

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Compel Plaintiff's Responses to Defendant's First Discovery Requests is **GRANTED**. [Doc. #19]

**IT IS FURTHER ORDERED** that Plaintiff shall have ten (10) days from the date of this Order, until March 18, 2010, to provide answers and responses to Defendant's First Set of Interrogatories and First Requests for Production of Documents. Plaintiff's

failure to comply with this Order may result in dismissal of this action, without prejudice,  
for failure to prosecute and for failure to comply with an order of the court.

  
\_\_\_\_\_  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated on this 8th day of March, 2010.